

AMENDED IN ASSEMBLY APRIL 15, 2010

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2689

Introduced by Assembly Member Smyth

February 19, 2010

An act to amend, ~~repeal, and add~~ Section 121690 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 2689, as amended, Smyth. Rabies vaccinations.

Existing law imposes various requirements upon dog owners in rabies areas designated by the State Public Health Officer. Any person who violates these requirements is guilty of an infraction. Violation of these requirements also results in impounding of the dog by the local jurisdiction. Among the requirements imposed under existing law is that a dog ~~under 4 months of age must be confined or restrained, as prescribed, and that dogs 4 months of age or older must be licensed by the appropriate city, county, or city and county, and vaccinated for rabies, as specified.~~

This bill would permit a city, county, or city and county to specify the means by which a dog owner is required to provide proof of his or her dog's rabies vaccination.

~~This bill would, commencing January 1, 2012, change the age to which the constraint or confinement requirement applies to under 3 months of age, and the age to which the licensing and vaccination requirements applies to 3 months of age or older.~~

~~By imposing a higher level of service upon local agencies and by changing the definition of a crime, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for specified reasons:~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.
State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 121690 of the Health and Safety Code
2 is amended to read:

3 121690. In rabies areas, all of the following shall apply:

4 (a) Every dog owner, after his or her dog attains the age of four
5 months, shall no less than once every two years secure a license
6 for the dog as provided by ordinance of the responsible city, city
7 and county, or county. License fees shall be fixed by the
8 responsible city, city and county, or county, at an amount not to
9 exceed limitations otherwise prescribed by state law or city, city
10 and county, or county charter.

11 (b) Every dog owner, after his or her dog attains the age of four
12 months, shall, at intervals of time not more often than once a year,
13 as may be prescribed by the department, procure its vaccination
14 by a licensed veterinarian with a canine antirabies vaccine approved
15 by, and in a manner prescribed by, the department. The responsible
16 city, county, or city and county, may specify the means by which
17 the dog owner is required to provide proof of his or her dog's rabies
18 vaccination, including, but not limited to, by electronic
19 transmission or facsimile.

20 (c) All dogs under four months of age shall be confined to the
21 premises of, or kept under physical restraint by, the owner, keeper,
22 or harbinger. Nothing in this chapter and Section 120435 shall be
23 construed to prevent the sale or transportation of a puppy four
24 months old or younger.

25 (d) Any dog in violation of this chapter and any additional
26 provisions that may be prescribed by any local governing body
27 shall be impounded, as provided by local ordinance.

1 (e) The governing body of each city, city and county, or county
2 shall maintain or provide for the maintenance of a pound system
3 and a rabies control program for the purpose of carrying out and
4 enforcing this section.

5 (f) Each city, county, or city and county shall provide dog
6 vaccination clinics, or arrange for dog vaccination at clinics
7 operated by veterinary groups or associations, held at strategic
8 locations throughout each city, city and county, or county. The
9 vaccination and licensing procedures may be combined as a single
10 operation in the clinics. No charge in excess of the actual cost shall
11 be made for any one vaccination at a clinic. No owner of a dog
12 shall be required to have his or her dog vaccinated at a public clinic
13 if the owner elects to have the dog vaccinated by a licensed
14 veterinarian of the owner's choice.

15 All public clinics shall be required to operate under antiseptic
16 immunization conditions comparable to those used in the
17 vaccination of human beings.

18 (g) In addition to the authority provided in subdivision (a), the
19 ordinance of the responsible city, city and county, or county may
20 provide for the issuance of a license for a period not to exceed
21 three years for dogs that have attained the age of 12 months or
22 older and have been vaccinated against rabies. The person to whom
23 the license is issued pursuant to this subdivision may choose a
24 license period as established by the governing body of up to one,
25 two, or three years. However, when issuing a license pursuant to
26 this subdivision, the license period shall not extend beyond the
27 remaining period of validity for the current rabies vaccination. A
28 dog owner who complies with this subdivision shall be deemed to
29 have complied with the requirements of subdivision (a).

30 (h) All information obtained from a dog owner by compliance
31 with this chapter is confidential to the dog owner and proprietary
32 to the veterinarian. This information shall not be used, distributed,
33 or released for any purpose, except to ensure compliance with
34 existing federal, state, county, or city laws or regulations.

35 ~~(i) This section shall remain in effect only until January 1, 2012,~~
36 ~~and as of that date is repealed, unless a later enacted statute, that~~
37 ~~is enacted before January 1, 2012, deletes or extends that date.~~

38 ~~SEC. 2. Section 121690 is added to the Health and Safety Code,~~
39 ~~to read:~~

40 ~~121690. In rabies areas, all of the following shall apply:~~

1 ~~(a) Every dog owner, after his or her dog attains the age of three~~
2 ~~months, shall no less than once every two years secure a license~~
3 ~~for the dog as provided by ordinance of the responsible city, city~~
4 ~~and county, or county. License fees shall be fixed by the~~
5 ~~responsible city, city and county, or county, at an amount not to~~
6 ~~exceed limitations otherwise prescribed by state law or city, city~~
7 ~~and county, or county charter.~~

8 ~~(b) Every dog owner, after his or her dog attains the age of three~~
9 ~~months, shall, at intervals of time not more often than once a year,~~
10 ~~as may be prescribed by the department, procure its vaccination~~
11 ~~by a licensed veterinarian with a canine antirabies vaccine approved~~
12 ~~by, and in a manner prescribed by, the department. The responsible~~
13 ~~city, city and county, or county may specify the means by which~~
14 ~~the dog owner shall provide proof of his or her dog's rabies~~
15 ~~vaccination, including, but not limited to, by electronic~~
16 ~~transmission or facsimile.~~

17 ~~(c) All dogs under three months of age shall be confined to the~~
18 ~~premises of, or kept under physical restraint by, the owner, keeper,~~
19 ~~or harbinger. Nothing in this chapter and Section 120435 shall be~~
20 ~~construed to prevent the sale or transportation of a puppy three~~
21 ~~months old or younger.~~

22 ~~(d) Any dog in violation of this chapter and any additional~~
23 ~~provisions that may be prescribed by any local governing body~~
24 ~~shall be impounded, as provided by local ordinance.~~

25 ~~(e) The governing body of each city, city and county, or county~~
26 ~~shall maintain or provide for the maintenance of a pound system~~
27 ~~and a rabies control program for the purpose of carrying out and~~
28 ~~enforcing this section.~~

29 ~~(f) Each city, county, or city and county shall provide dog~~
30 ~~vaccination clinics, or arrange for dog vaccination at clinics~~
31 ~~operated by veterinary groups or associations, held at strategic~~
32 ~~locations throughout each city, city and county, or county. The~~
33 ~~vaccination and licensing procedures may be combined as a single~~
34 ~~operation in the clinics. No charge in excess of the actual cost shall~~
35 ~~be made for any one vaccination at a clinic. No owner of a dog~~
36 ~~shall be required to have his or her dog vaccinated at a public clinic~~
37 ~~if the owner elects to have the dog vaccinated by a licensed~~
38 ~~veterinarian of the owner's choice. All public clinics shall be~~
39 ~~required to operate under antiseptic immunization conditions~~
40 ~~comparable to those used in the vaccination of human beings.~~

1 ~~(g) In addition to the authority provided in subdivision (a), the~~
2 ~~ordinance of the responsible city, city and county, or county may~~
3 ~~provide for the issuance of a license for a period not to exceed~~
4 ~~three years for dogs that have attained the age of 12 months or~~
5 ~~older and have been vaccinated against rabies. The person to whom~~
6 ~~the license is issued pursuant to this subdivision may choose a~~
7 ~~license period as established by the governing body of up to one,~~
8 ~~two, or three years. However, when issuing a license pursuant to~~
9 ~~this subdivision, the license period shall not extend beyond the~~
10 ~~remaining period of validity for the current rabies vaccination. A~~
11 ~~dog owner who complies with this subdivision shall be deemed to~~
12 ~~have complied with the requirements of subdivision (a).~~

13 ~~(h) All information obtained from a dog owner by compliance~~
14 ~~with this chapter is confidential to the dog owner and proprietary~~
15 ~~to the veterinarian. This information shall not be used, distributed,~~
16 ~~or released for any purpose, except to ensure compliance with~~
17 ~~existing federal, state, county, or city laws or regulations.~~

18 ~~(i) This section shall become operative on January 1, 2012,~~
19 ~~unless a later enacted statute, that is enacted before January 1,~~
20 ~~2012, deletes or extends that date.~~

21 ~~SEC. 3. No reimbursement is required by this act pursuant to~~
22 ~~Section 6 of Article XIII B of the California Constitution because~~
23 ~~a local agency or school district has the authority to levy service~~
24 ~~charges, fees, or assessments sufficient to pay for the program or~~
25 ~~level of service mandated by this act or because costs that may be~~
26 ~~incurred by a local agency or school district will be incurred~~
27 ~~because this act creates a new crime or infraction, eliminates a~~
28 ~~crime or infraction, or changes the penalty for a crime or infraction,~~
29 ~~within the meaning of Section 17556 of the Government Code, or~~
30 ~~changes the definition of a crime within the meaning of Section 6~~
31 ~~of Article XIII B of the California Constitution.~~